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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 TONY BLACKMAN,

1:10-cv-02289-GBC (PC)

12 Plaintiff,

ORDER TRANSFERRING CASE TO THE
NORTHERN DISTRICT OF CALIFORNIA

13 vs.

14 SALINAS VALLEY STATE PRISON, et al.,

15 Defendants.
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17 _____/

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19 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to
20 42 U.S.C. § 1983.

21 The federal venue statute requires that a civil action, other than one based on diversity
22 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants
23 reside in the same state, (2) a judicial district in which a substantial part of the events or omissions
24 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action
25 is situated, or (3) a judicial district in which any defendant may be found, if there is no district in
26 which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

27 In this case, none of the defendants reside in this district. The claim arose in Monterey
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1 County, which is in the Northern District of California. Therefore, plaintiff's claim should have
2 been filed in the United States District Court for the Northern District of California. In the interest
3 of justice, a federal court may transfer a complaint filed in the wrong district to the correct district.
4 See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

5 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States
6 District Court for the Northern District of California.

7 IT IS SO ORDERED.

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9 Dated: December 14, 2010


UNITED STATES MAGISTRATE JUDGE